

## DRAFT LEGISLATION - SMOKING IN THE WORKPLACE

Employees are entitled to a safe and healthy work environment in accordance with the terms of the {Occupational and Safety Act.<sup>1</sup>} Smoking is prohibited in indoor workplaces. Smokers must, however, be provided with a heated and separately ventilated indoor facility in which smoking is authorized.

-or-

SECTION 1. Employees are entitled to a safe and healthy work environment in accordance with the terms of the {Occupational and Safety Act.} Smoking is prohibited in indoor workplaces except that employers may permit smoking in separately ventilated workplaces to which nonsmokers are not assigned. Where separately ventilated workplaces are not provided, the employer shall provide a dedicated smoking lounge for use by employees in accordance with contractual agreements.

SECTION 2. Where other acts of Parliament mandate a different policy, such as in restaurants, medical facilities or schools, those policies shall govern, except that the employer shall provide an indoor, heated and separately ventilated facility in which smoking by employees is authorized.

-or-

SECTION 1. Employees are entitled to a safe and healthy work environment in accordance with the terms of the {Occupational and Safety Act.} To this end, each employer shall publish and enforce a workplace smoking policy for his place of employment. In formulating this policy, the employer shall take into account the needs and interests of all employees, the nature of the business, the size and composition of the work force, the nature of existing ventilation, and the desire to make reasonable accommodation for those who object to the presence of tobacco smoke. Such policy may, in appropriate cases, include separation of workers to ensure that those who wish to smoke may do so. In formulating their workplace smoking policies, employers are encouraged to consult with the local union or other appropriate worker organization.

SECTION 2. Where other acts of Parliament mandate a different policy, such as in restaurants, medical facilities or schools, those policies shall govern, except that the employer shall provide an indoor, heated and separately ventilated facility in which smoking by employees is authorized.

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<sup>1</sup>. Substitute name of applicable Danish legislation.

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